

# **KENTUCKY DEPARTMENT OF EDUCATION**

## **STAFF NOTE**

### **Review Item:**

702 KAR 5:080 – Bus drivers' qualifications, responsibilities and training

### **Applicable Statute or Regulation:**

KRS 156.160; KRS189.540; 49 CFR 382.101-605

### **History/Background:**

***Existing Policy.*** Pursuant to the above statutes, the Kentucky Board of Education promulgated this regulation to provide guidance to local school districts relating to transportation of children to and from school and relating to medical inspections and other matters deemed relevant to the protection of the physical welfare and safety of public school children. This regulation also governs the design and operation of school buses and establishes the qualifications and responsibilities of the school bus driver.

Recently a number of districts have requested a waiver from Section 14, which prohibits live animals from being transported on the bus. The KBE granted the waivers so that assistance or service animals may be transported. At its February 2005 meeting, the KBE requested that this regulation be amended to exempt service animals and requested that the amendment be brought before them at the April meeting. The amendment to this regulation stipulates that the service animal may ride the bus if that animal is not a risk to other children and adequate medical evidence or the student's Individual Education Plan documents the need for such assistance.

### **Policy Issue(s):**

The regulation would be amended as follows:

**Page 9 – Lines 13-15** – add "except for an animal that is not a risk to other bus riders and is to enable one to safely utilize the bus transportation, as documented by adequate medical evidence or a student's Individual Education Plan."

### **Impact on Getting to Proficiency:**

This amendment would allow for service or assistance animals to ride the bus and therefore meet the individual needs of a student with disabilities as he/she strives to meet proficiency.

### **Groups Consulted and Brief Summary of Responses:**

Local Superintendents Advisory Council (LSAC)

LSAC will provide advice via a letter from that body.

**Contact Person:**

Kyna Koch, Associate Commissioner  
Office of District Support Services  
502-564-3930  
[kkoch@kde.state.ky.us](mailto:kkoch@kde.state.ky.us)

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**Deputy Commissioner**

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**Commissioner of Education**

**Date:**

April 2005